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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-first session

SUMMARY RECORD OF THE 552nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 March 1992, at 10.30 a.m.

Chairman: Mr. MIKULKA (Czechoslovakia)

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The meeting was called to order at 10.40 a.m.

GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. ZAWELS (Argentina) said that, while recent changes in international relations had had a positive impact on the Subcommittee's work, there was still a great deal to be done. His delegation supported the view that it was important to establish an international legal system to govern space activities, taking into account the interests of all States and, in particular, those of developing countries.

2. Referring to agenda item 3 on the elaboration of draft principles relevant to the use of nuclear power sources in outer space, an imaginative proposal had been submitted at the Scientific and Technical Subcommittee's last session in order to speed up the negotiations on those principles. In his delegation's view, progress on the two remaining principles could be made on the basis of that proposal.

3. At the Subcommittee's last session, progress had also been made in the discussions of the question of the geostationary orbit as a result of a proposal by some member countries of the Group of 77 (A/AC.105/484, annex II, para. 12) which should make it possible to overcome serious differences of opinion and draft a legal regime to govern that important natural resource. In that connection, his delegation had drawn attention to the need to clear the geostationary orbit of non-functional objects.

4. With regard to the definition and delimitation of outer space, a number of delegations had put forward interesting ideas and he hoped that they might be discussed as soon as possible.

5. He had taken note with satisfaction of the discussions at the current session of agenda item 5 and urged that the working paper contained in document A/AC.105/C.2/L.182 should be given serious consideration with a view to the incorporation of different ideas on that important question.

6. Mr. MENDEZ (Venezuela) said that the Subcommittee's work was being carried out in a favourable international environment, in a new era of cooperation and respect for the principles embodied in the United Nations Charter. The elimination of threats in the current post-cold-war period called for strategies based on international cooperation to solve problems resulting from the super-Power rivalry and the militarization of outer space.

7. His delegation was concerned about the threats to which the militarization of outer space would give rise and about the spread of the arms race to outer space. The Committee on the Peaceful Uses of Outer Space and its two Subcommittees had a constructive role to play in that regard and could provide support for the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space of the Conference on Disarmament. He agreed with the suggestion made by the delegation of Mexico at the 550th meeting that machinery should be established for cooperation between those bodies.

8. With regard to agenda item 4, the delimitation of airspace and outer space would supplement the existing legal regime by making it less ambivalent in nature. The outer space approach was a good basis for dealing with that question, since there were no agreed scientific criteria for determining the altitude at which airspace ended and outer space commenced. The matter should be settled by means of a multilateral agreement.

9. His country was of the opinion that the geostationary orbit was a limited natural resource which should be the subject of a legal regime in order to guarantee its more rational and equitable use for the benefit of the entire international community. In that connection, his delegation considered that the functions of the Committee on the Peaceful Uses of Outer Space and of the International Telecommunication Union were not exclusive, but complementary.

10. As to agenda item 3, his delegation hoped that the Working Group would reach a final agreement on the draft principles relevant to the use of nuclear power sources so that the Subcommittee could undertake some new tasks.

11. Document A/AC.105/C.2/L.182 would make a positive contribution to the Subcommittee's work on agenda item 5, since it was based on the premise that international cooperation must be universal.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (agenda item 5) (A/AC.105/484, A/AC.105/C.2/L.182, A/46/20, A/AC.105/C.2/15 and Add.1-13; A/AC.105/C.2/16 and Add.1-10; A/AC.105/C.2/L.187) (continued)

12. Mr. HANDRIYO (Indonesia) said that the consideration of the legal aspects related to access to outer space for the benefit and in the interests of all States, taking into particular account the needs of developing countries, was extremely important in order to establish a framework for cooperation between States which had space capabilities and developing countries, which were less able to compete in space technology. His own country had had some experience of how space technology could contribute to efforts by the Government to improve the welfare of its people; in cooperation with one of the space Powers, it was currently establishing its own domestic satellite communication system. It also needed more extensive technological knowledge, such as remote sensing for weather prediction and agricultural and natural resources management.

13. He agreed with other representatives, especially those of developing countries, that existing legal instruments, including the 1967 Outer Space Treaty, did not yet provide the developing countries with any guarantee of the benefits of the utilization of outer space. A legal principle to that effect had to be formulated as an indispensable addition to existing legal instruments. Document A/AC.105/C.2/L.182 reflected the needs of developing countries and could serve as a sound basis for the Subcommittee's discussion of that issue at the current session. His delegation would support the Subcommittee's efforts to reach a consensus on the matter.

14. Ms. GARCIA (Mexico) said that agenda item 5 gave the members of the Subcommittee an opportunity to promote international cooperation and the progressive development of international space law. When the Working Group on that agenda item had been set up, her delegation had said that it should focus on the elaboration of a legal framework which would guarantee all States, particularly the developing countries, access to space science and technology and their applications so that they might develop their own capabilities in that area.

15. On the basis of document A/AC.105/C.2/L.182, the Subcommittee had started to consider agenda item 5 in depth, but the active participation of all delegations was needed in order to seek areas of agreement on the elaboration of a legal framework for the promotion of international cooperation in the use of outer space exclusively for peaceful purposes.

16. She commended the Chairman of the Working Group on agenda item 5 for the paper contained in document A/AC.105/C.2/L.187, which summarized the opinions and information contained in the replies of member States to the notes verbales addressed to them by the United Nations Secretary-General, and agreed with the view expressed in paragraph 10 of that paper. Her delegation was encouraged by the progress made in the discussion of that item at the Working Group's first two meetings at the current session and considered that document A/AC.105/C.2/L.182 would serve as a useful basis for the consideration of a matter of particular importance to the developing countries. It hoped that discussions in the Working Group would continue in the same constructive spirit so that an agreement might be reached on the principles relating to international cooperation in the exploration and use of outer space for peaceful purposes.

17. Mr. MALPEDE (Argentina) said that, in view of the changes taking place in international relations and the basis they would provide for the analysis and consideration of the topic of cooperation in the exploration and use of outer space for peaceful purposes, the Subcommittee now had an excellent opportunity to make substantial progress on agenda item 5. The progress made since 1988 had been the result of the fuller information made available on the views of States, national legislation and accessions to instruments relating to international space law. In that connection, bilateral cooperation had been and was particularly important, as his own country's experience had shown. It would therefore seek to establish and strengthen relations with countries that were more advanced, and with countries that were less or equally developed, in space matters.

18. The paper submitted by the Chairman of the Working Group on agenda item 5 (A/AC.105/C.2/L.187) contained a number of positive conclusions which could enrich the Subcommittee's discussion, whose aim should be to give the greatest possible legal content to cooperation, the basic principle of space law and of international law in general. One of the conclusions to be drawn from that paper was that multilateral rules were needed to enhance the effectiveness of bilateral cooperation agreements, thereby contributing to the progressive development of the basic principles embodied in the United Nations Charter.

19. The working paper contained in document A/AC.105/C.2/L.182 would serve as an excellent basis for more in-depth consideration of the legal aspects of the implementation of the principle of international cooperation. In keeping with the general principle embodied in article X of the Outer Space Treaty, it referred to access to the space technology market on an equitable and non-discriminatory basis, equity being taken to mean the granting of certain advantages to countries which were in a less favourable situation as far as outer space development was concerned. Indeed, the title of agenda item 5 indicated the need for unequal treatment for States in unequal situations or, in other words, for treatment in accordance with the developing countries' needs.

20. The Subcommittee's task was to promote the establishment of a legal system which would provide for and regulate "cooperative complementarity" between developing countries and countries with space capabilities. In practice, scientific and technological exchanges could take place in both directions, for the mutual benefit of countries. Developing countries would have access to the space technology market, without any arbitrary or restrictive criteria and on a footing of equality, and the principle of fair economic compensation, through transactions freely agreed between the parties, would also be established. The Subcommittee should therefore place particular emphasis on equitable relations between the producers and providers of goods and services and the recipients of such goods and services. International cooperation in space activities would thus have a new and useful international instrument that would make it possible to benefit more fully from the achievements of space science and technology.

The meeting rose at 11.10 a.m.